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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 17-093

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **1. Statutory Authority**

The proposed rule relating to administrator licenses based on reciprocity, contained within s. PI 34.041, authorizes a license holder to “works as in [sic] a principal”, but the statute creating administrator licenses based on reciprocity does not limit their use to principals. State law requires the department to grant an initial administrator license to an individual who “holds a license granted by the proper authority of another state that is equivalent to an administrator license”, provided that the individual meets other requirements. [s. 118.193 (3) (a), Stats.] State law also requires the department to “determine the school administrator category” for a license based on reciprocity, but does not proscribe use of a license based on reciprocity for administrator roles other than principal. [s. 118.193 (4) (b), Stats.] On what authority does the department rely to limit use of administrator licenses based on reciprocity to work as a principal?

#### **2. Form, Style and Placement in Administrative Code**

a. There are a number of references to “approved educator preparation program” throughout the chapter. However, there is no definition for this term. The chapter creates definitions of “approved program” and “educator preparation program”. The chapter should be reviewed to determine whether instances of “approved educator preparation program” should be replaced with one of the two defined terms, or whether a separate definition should be created. See for example: ss. PI 34.001 (10), 34.002 (intro.), 34.003 (intro.), and 34.004 (intro.).

b. There are numerous references to “professional education program” and “teacher education program” throughout the chapter, though the chapter only creates a definition of

“educator preparation program”. The entire chapter should be searched to determine whether the alternative terms should be replaced with “educator preparation program”. See for example: ss. PI 34.007 (5) (c), 34.009 (1), 34.013 (title), 34.015 (2), and 34.019.

c. Capitalization of section titles should be standardized. Some titles are fully capitalized, while others are all lowercase. See for example: ss. PI 34.028 and 34.037.

d. Subchapter V creates four tiers of licenses, but the significance of the different “tiers” of licensure is unclear. Is the significance that school districts which employ any “Tier 2” license holder must meet additional requirements in s. PI 34.043 (5)? And that “Tier 1” license holders are not eligible for Tier IV master educator licenses? The purpose or significance of the tiers should be explained.

e. Subchapter V creates a professional teaching “permit”, as well as many types of “license”. Is there significance to the distinction between a “permit” and a “license”? If so, this distinction should be explained. Further, s. PI 34.037 uses “permit” in the title but uses the term “license” throughout the section. Will credentials issued under this section be permits or licenses?

f. In s. PI 34.050, the department should consider whether “a world language such as French, German, Russian, Spanish, or any language known or spoken in multiple countries” should replace the listing of four world languages and a catchall “other world language.”

g. In ss. PI 34.051, 34.052, 34.075, 34.076, 34.077, 34.078, and 34.088, the department should move the “AUTHORIZATION” provision above “ELIGIBILITY” for consistency.

h. In ss. PI 34.051 and 34.052, the department should number the “AUTHORIZATION” provision, and add par. (b) for the assessment requirements provision.

i. In s. PI 34.051, the department should change “children” to “pupils” for consistency with s. PI 34.047 (2).

j. For consistency with other provisions, i.e., s. PI 34.050 (1) (b), the department should rephrase s. PI 34.054 (1) (j).

k. The department should consider renaming the “deaf or hard of hearing license” and the “blind and visual impairment license” categories. [See ss. PI 34.053 and 34.054.]

l. The department should delete “grade level” before “license” in s. PI 34.055 (2) for consistency with other provisions such as sub. (3).

m. In s. PI 34.068 (2) (b), subpars. a. and b. should be changed to subds. 1. and 2. [s. 1.03 (1), Manual.]

n. In s. PI 34.093 (2), the paragraph lettering skips (a) to (c). Paragraphs (d) to (f) should be relettered.

o. In s. PI 34.095 (2), the department should add par. (b) in front of “How the credential holder...”.

p. In s. PI 34.105 (3), the subdivision paragraph lettering skips (k) and (L). Paragraphs (m) to (p) should be relettered.

q. In s. PI 34.107 (2), the paragraph lettering skips (a) and (b). Paragraphs (c) to (g) should be relettered.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. The department should consider using a definition or other specific link to the term “First Nation” where, as in s. PI 34.058 (2) (b), the rule refers to statutes that use the term “American Indian”.

b. The department should correct the reference in s. PI 34.085 (2) (a) 7. to s. PI 34.050 (3) (q).

c. The department should consider deleting s. PI 34.096 (1) (a). It is not clear why the three listed subsections are singled out when other subsections of s. 118.19, Stats., such as (3) and (4m), also set forth conditions for denial. It appears par. (b) subsumes the whole provision and makes (a) unnecessary.

d. In s. PI 34.099 (3) (e), is the correct reference sub. (1) (b)?

e. In s. PI 34.099 (3) (f), is the correct reference sub. (1) (c)?

f. The intended license referenced under s. PI 34.106 (2) (a) is unclear. Does the department mean a license under s. PI 34.014?

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. PI 34.001 (8) and (9), the definition of “Educator preparation program” in sub. (8) refers to courses included in the “baccalaureate degree program...” and the definition of “Institution” in sub. (9) refers to one or more accredited, four-year, “baccalaureate degree granting institutions...”. Should these definitions refer to a “baccalaureate or bachelor’s degree...” for consistency, given that the subchapter also creates a definition for the term “Baccalaureate or bachelor’s degree”?

b. In s. PI 34.001 (11), the definition of “license area” should refer to the “subject matter, grade level, or position a license authorizes an individual to work in or teach”.

c. Section PI 34.002 (2) should refer to “inclusive learning environments...”.

d. Section PI 34.002 (9) includes “Ethical Practice” in the title, but the text of the provision does not directly address such practice. Is the standard for ethical practice fulfilled when the teacher evaluates the effects of his or her “choices and actions on pupils, their families, other educators, and the community”? This could be clarified. Examples of clearer requirements for ethical practice appear within the s. PI 34.003 (2) requirement for effective educational leaders to “act ethically and according to professional norms” and the s. PI 34.004 (4) requirement for pupil services professionals to “represent professional ethics and social behaviors appropriate for schools and the community”.

e. In s. PI 34.002 (9), the final sentence of the subsection should state: “The teacher adapts the teacher’s practice to meet the needs of each pupil”.

f. In s. PI 34.003 (8), the “a” preceding the word “meaningful” should be deleted.

g. In s. PI 34.004 (2), the word “has” should be inserted before the phrase “knowledge of comprehensive, coordinated practice strategies...”.

h. Section PI 34.007 (1) allows an entity to apply for approval if its “educator preparation program is physically located in the state of Wisconsin”. An educator preparation program means a sequence of courses in the baccalaureate or post-baccalaureate degree program for preparing professional school personnel for licensure. Because an educator preparation program is a sequence of courses, it is unclear what must be physically located within Wisconsin. Does the entity itself have to be located within Wisconsin? Does this mean the entity meets the requirement by having a single campus or location within Wisconsin (there is mention of a “principal campus” in sub. (1) (b), without explanation)? Do the courses themselves have to be offered within Wisconsin? Can the entity be located outside Wisconsin if the courses are offered at a location within Wisconsin?

i. In s. PI 34.007 (3), the word “the” appearing after the phrase “within 60 days of receiving an entity’s submission...” should be deleted.

j. In s. PI 34.008, the state superintendent must provide a written notice after determining that an educator preparation program must complete a program improvement plan. The written notice must provide certain information, including that the entity’s plan to address areas in need of improvement must be submitted to the department within 30 days. However, the section does not address how the need to prepare a program improvement plan will be communicated to the program. Is the expectation that the notice should also inform the program that it must submit a plan? If so, this should be stated directly in the section.

k. Section PI 34.011 (1) (d) states that evidence must be submitted regarding how an experimental or innovative educator preparation program improves the pool of candidates for “a school districts [sic] by fostering cooperation between the entity and other entities or school districts or both.” The reference to cooperation between school districts and entities is unnecessary because school districts are already included in the definition of “entity.” The section can simply refer to fostering cooperation between entities.

l. In Subchapter IV, certain provisions of the subchapter apply to an “institution”, others apply to an “entity”, while others apply to an “SCD”. Are these distinctions intended? Is the definition of “entity” from Subchapter III intended to apply in Subchapter IV? If so, this should be stated in Subchapter IV.

m. Subchapter IV should be reviewed for subject-verb agreement and verb-tense agreement. See, for example: ss. PI 34.020 (1) (a) and (b), and 34.023 (1) (d), (f), (g), and (h), (3), and (4).

n. Section PI 34.013 requires an entity to apply certain requirements to its SCD if that entity “is an institution”. However, an SCD is defined as a “subunit of an institution” that is responsible for overseeing the institution’s educator preparation programs. Given this definition, only an institution may have an SCD. Therefore, language applying a requirement only “if an entity is an institution” is unnecessary and should be deleted.

o. In s. PI 34.016 (1), an “s” should be added so the first sentence reads “the entity shall ensure all students have access to...”.

p. Section PI 34.017 imposes vague requirements for an entity to report “student assessment results” and “program modifications” to the department. Which assessment results must be reported? What qualifies as a program modification?

q. Section PI 34.018 (4) should be reconfigured for ease of understanding. If this is what is intended, the subsection should more clearly state that completion standards must: (1) state the proficiency level for knowledge dispositions and performances that substantiate competence in the standards; and (2) require individual students to do one of the following: (a) meet the applicable cumulative GPA requirement; (b) receive a GPA exemption; or (c) meet the alternative measures of performance for the student’s program, as approved by the State Superintendent. The subsection should also expressly state that an entity may grant a GPA exemption to individual students, and that an entity may not grant GPA exemptions to more than 10% of a program cohort.

r. Section PI 34.019 requires programs to have a conceptual framework, but does not explain what a framework entails. Is this a written set of principles that must be submitted to the department?

s. Sections PI 34.020 to 34.024 all begin by referring to “The conceptual framework”. The sections should be changed to read: “An educator preparation program’s conceptual framework...”

t. In s. PI 34.021, subs. (2) and (3) should be changed to parallel the language in sub. (1) by deleting the “Assessments shall” introductory language. The subsections should read as follows: “(2) Be developmental, multiple, measurable over time... (3) Identify levels of proficiency or other benchmarks...”.

u. In s. PI 34.022, the phrase “be able to” should be deleted so that the (intro.) reads as follows: “The conceptual framework shall identify how students meet the requirements under s. 118.19, Stats., and demonstrate knowledge and understanding of all the following:”.

v. Section PI 34.022 (2) (e) should be changed to “Evaluation and assessment of the forces of discrimination, especially racism and sexism, on administrators...” to parallel other provisions.

w. Section PI 34.023 (3) (c) requires an educator preparation program leading to an administrative license to include practicums that evaluate each student’s performance using “2 written evaluations for student based observations by the school-based supervisor”. This requirement is unclear. Are these evaluations completed by students?

x. In s. PI 34.026 (2), the word “the” should appear before the phrase “license’s term”.

y. In s. PI 34.028 (4) (c), the phrase “employing school districts” should be made singular.

z. In s. PI 34.034 (2), the paragraphs should begin with consistent language about what an applicant must provide. Paragraph (a) should begin with “Provides evidence of coursework proficiency...” (or something similar). Paragraph (b) should begin with “Completes one of the following...” Subdivision paragraph (c) 1., should read “means the process of delivery of a spoken message...”.

aa. Section PI 34.034 (2) (d) should be reviewed for language and numbering. The first “of” in the introduction should be deleted and subd. 1. should be followed by a list of areas of

competence. The final provision regarding a valid Wisconsin verification from the Department of Health Services should be numbered as “5”.

bb. In s. PI 34.034 (5), the introduction should refer to a license that is renewable if the “licensee” completes all of the requirements. Paragraphs (a) and (b) should be reviewed for tense agreement and par. (a) should read “...all of which count as one semester credit if done during the term of the license...”. The title “Alternative Renewal” in par. (d) should be entirely in small caps.

cc. In s. PI 34.034 (5), the paragraph numbering should be changed. The final two paragraphs should be par. (d) 1. and 2., rather than pars. (a) and (b).

dd. In s. PI 34.035 (5), the final sentence should refer to “...the applicant...” rather than “he”.

ee. In ss. PI 34.037 (1) and 34.040 (1) (a), the listed subject areas should all be followed by periods.

ff. In s. PI 34.037 (2) (a), the order of requirements listed in subds. 7. and 8. should be reversed so they refer first to licenses sought under sub. (1) (g) and then licenses sought under sub. (1) (h).

gg. Section PI 34.038 (4) (b) should read “...complete the approved program in an additional year”.

hh. Section PI 34.040 (5) (b) refers to professional development curriculum agreed to under “sub. (2) (b)”, which does not exist. The provision should refer to “sub. (3) (b)”. The paragraphs should end with periods rather than semicolons, and the “and” between pars. (b) and (c) should be deleted.

ii. Section PI 34.041 (2) (d) should read: “The applicant does not hold or has not held an equivalent license issued by the department”.

jj. In s. PI 34.043 (5), the numbering should be revised to pars. (a), (b), and (c), rather than par. (a) 1. and 2.

kk. Section PI 34.044 (3) (b) should read: “The license holder does not meet the requirements under sub. (4). The state superintendent shall restore a license that becomes invalid under this paragraph if the license holder obtains a satisfactory background check under sub. (4)...”.

ll. Section PI 34.045 (2) should refer to “an” applicant or “the” applicant.

mm. In s. PI 34.045 (3), the (intro.) provision should refer to the assessment team under sub. (2) (c). Paragraph (a) should be revised to clarify whether an assessment team may contain “a” school board member, or multiple school board members.

nn. Section PI 34.045 (4) (b) should read: “The license holder does not meet the requirements under sub. (5)”.

oo. In s. PI 34.047 (1), the department should add “the” before “early childhood license area”.

pp. In s. PI 34.048 (1) (a), substituting “each of the following subjects” for “all the following subjects” would enhance clarity.

qq. In s. PI 34.048 (3), the department should delete the comma after “world language” and the period after “par. (a)”.

rr. In s. PI 34.049 (1), “to a license” should read “to a licensee” or “to a licensed applicant”.

ss. In s. PI 34.050 (d), the department should replace “meets” with “completes” to make the sentence agree with the grammatical form of the numbered requirements.

tt. The department should consider specifying the minimum amount and type of student teaching required under ss. PI 34.053 (2) (b) and 34.054 (2) (f).

uu. In s. PI 34.054 (2) (i), the department should delete “be” before “include” in the second sentence.

vv. The department should delete “the” before “applicable experience” in s. PI 34.055 (3) (a).

ww. For enhanced clarity in s. PI 34.055, the department should:

(1) In sub. (4), add “middle and high school” before “subject areas”.

(2) In sub. (5), add “prekindergarten through grade 12” before “subject areas”.

(3) In sub. (5), add “under” before “s. PI 34.050 (3) (a) through (r)”.

xx. In s. PI 34.058 (2) (a) 2. and 3., the department should consider specifying the license referenced, such as by adding “under this section” after “recommended for a license”.

yy. In s. PI 34.058 (2) (a) 3., the department should add “by the” before “tribal language division” for grammatical consistency.

zz. The department should insert “the applicant is” before “recommended...as possessing the following competencies” in s. PI 34.058 (2) (c) (intro.).

aaa. The department should add “of” before “Wisconsin First Nations” in s. PI 34.059 (3) (b) 4.

bbb. Should the department add “the applicant” before “provides the department with evidence” in s. PI 34.066 (2) (c)?

ccc. The department should add a period at the end of s. PI 34.067 (2) (d) and check whether the phrase needs further specification. [Compare to s. PI 34.053 (2) (a) 2.]

ddd. The department should delete “has a” after “applicant who” in s. PI 34.068 (2) (intro.).

eee. The department should replace the period with a semicolon at the end of s. PI 34.068 (2) (a) 2.

fff. The department should add “of” after “content” in s. PI 34.068 (2) (a) 3. c.

ggg. The department should add “a” after “program which leads to” in s. PI 34.074 (3) (a).

hhh. In s. PI 34.074 (3) (b), the department should use the singular “school social worker”, and change “those licenses” to “these licenses”.

iii. The department should add “experience” after “classroom teaching” in s. PI 34.074 (4) (a).

jjj. The department should delete “and serving” after “employed” in s. PI 34.076 (2) or specify what status is required beyond being “employed as a district administrator or superintendent”.

kkk. In s. PI 34.079 (1), the department should add “is” before “required” and change “or who works with” to “or to work with”.

lll. In s. PI 34.079 (2) (c), the department should change “and the ability to demonstrate expertise” to “and demonstrated expertise”.

mmm. The department should delete “following” before “requirements” in s. PI 34.080 (2).

nnn. The department should change “includes” to “included” in s. PI 34.084 (2) (b).

ooo. The department should add “in” after “may teach” in s. PI 34.086 (1) (a).

ppp. For clarity in s. PI 34.089 (2) (d), the department should consider changing “or the equivalent by an equivalent authority” to “or similar demerits or violations charged by an equivalent authority”, and replacing “a single year” with “a twelve month period”. This language from the old rule, s. PI 34.33 (5) (a) 4., avoids potential ambiguity.

qqq. The department should review whether the additional requirements from the prior s. PI 34.33 (5) (b) were intentionally omitted in s. PI 34.089 (3) (b).

rrr. The department should review whether it intended the expansion of the license under s. PI 34.092 (2) (a) to any undefined “urban school district” in place of the old first-class city limitation.

sss. The department should substitute “occupational” for “occupation” before “experience” in s. PI 34.093 (2) (e) (intro.), (f) 3. and 4.

ttt. In s. PI 34.093 (2) (f) 4., the department should add “shall have” after “applicant”, add “have” before “completed 2,000 hours”, and change “license will be sought” to “license is sought”.

uuu. The department should change “a school district’s property” to “school district property” in s. PI 34.099 (3) (b).

vvv. In s. PI 34.100 (1) (a) 1., “incompetency” should be “incompetence”.

www. In s. PI 34.100 (1) (a) 4., the department should consider replacing “a single year” with “a twelve month period” to avoid ambiguity.

xxx. In s. PI 34.101 (2) (c), the department should delete “person’s” before “credential”.

yyy. In s. PI 34.102 (2) (d), should “mistake of law” be “mistake of fact”?

zzz. The department should consider clarifying the intended meaning of “provisional” in rules such as s. PI 34.102 (2) (p) and (4) (a).



aaaa. The department should add a comma after “located in this state” in s. PI 34.102 (2) (p).

bbbb. The department should correct the list of actions in s. PI 34.102 (4) (e), such as by placing “or” between each of the three actions.

cccc. The department should pluralize “tier III license” and “tier IV license” in s. PI 34.107 (1).